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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,687

06/26/2003

Cristian Constantinof

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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,687

Applicant(s)

CONSTANTINOF, CRISTIAN

Examiner

Quynh H. Nguyen

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6-19, and 23-35 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 35, claims the non-statutory subject matter of a computer readable media. Applicant's disclosure has no support of what media has been positively disclosed as.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-2, 6-19, and 23-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (US 2007/0121590) in view of Aerrabotu et al. (US 20040190522).

As to claims 1, 18, and 35, Turner et al. teaches the steps of:

receiving call setup requests from at least one originating device (par. [0098] lines 1-4);

determining select call setup requests for the call setup request, the select call setup requests being received from authorized users to initiate a call for emergency services (see par. [0098] and [0100]), wherein one of the at least one originating or terminating devices resides on a packet network (Fig. 1; par. [0098] and [0029] -[0030]).

Turner et al. does not teach forwarding the select call setup requests toward at least one terminating device associated with the emergency services.

Aerrabotu et al. teaches forwarding the select call setup requests toward at least one terminating device associated with the emergency services if the request from authorized users (page, [0022], second column, lines 10-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that forwarding the call to the terminating device is the obvious step in any telecommunication processing after receiving a call request and determining if the call request from an authorized user, then connecting the call is well known in the art of telecommunication.

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As to claims 2 and 19, Aerrabotu et al. teaches ones of the call requests that are not the select call requests are not forwarded toward the at least one terminating device (page 3, [0022], second column, lines 5-8).

As to claims 6, 9, 23 and 26, Turner et al. teaches traffic carried over the IP network is prioritized. For example, signaling has the highest priority and data not associated with calls in progress has lowest priority (paragraphs [0033] and [0077]). However, Turner and Aerrabotu do not explicitly teach inserting the selected priority levels into corresponding ones of the select call setup requests. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above mentioned teachings into the teachings of Turner and Aerrabotu in order to have a more efficient system by handling calls according priority levels in call setup requests.

As to claims 7-8 and 24-25, Turner et al. teaches sending requests toward terminating device when at least one terminating device and network elements are in an overload conditions (paragraph [0063]).

As to claims 10 and 27, Turner et al. teaches sending the select call setup requests to a proxy for the at least one terminating device (paragraph [0058]).

As to claims 11 and 28, Turner et al. teaches the call setup requests are received over the packet network and the select call setup request are forwarded toward the at least one terminating device over the packet network (par. [0055]).

As to claims 12, 15, 29, and 32, Turner et al. teaches the call setup requests are received over the packet /circuit switch network and the select call setup request are

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forwarded toward the at least one terminating device over the circuit switch / packet network (Fig. 1; par. [0055]).

As to claims 13, 16, 30, and 33, Turner et al. teaches the call setup requests forwarded toward at least one terminating device over the circuit switched network are initial address messages (par. [0058]; [0099]; and [0101]).

As to claims 14, 17, 31, and 34, Turner et al. teaches session initiation protocol (par. [0029]; [0055] - [0056] and [0059]). INVITE messages are well known in signaling messaging.

Allowable Subject Matter

5. Claims 3-5 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 3 and 20, prior art of record fails to teach, or render obvious, alone or in combination a method for controlling access to emergency services comprising: receiving call setup requests from at least one originating device; determining select call setup requests from the call setup requests, the select call setup requests being received from authorized users to initiate a call for emergency services; and c) forwarding the select call setup requests toward at least one terminating device associated with the emergency services, wherein one of the at least one originating or terminating devices resides on a packet network; creating emergency information for

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each of the select call setup requests; and inserting the emergency information into the select call setup requests prior to forwarding the select call setup requests toward the at least one terminating device.

Claims 4-5 and 21-22 are objected because they depend on objected claims 3 and 20, respectively.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grube et al. (US Patent 6,885,874) teaches group location and route sharing system for communication units in a trunked communication system.

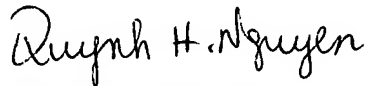
Grube et al. (US Patent 5,987,331) teaches communication system to communication system gateway method and apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen
Primary Examiner
Art Unit 2614